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8 UNITED STATES
9 ENVIRONMENTAL PROTECTION AGENCY
10 REGION 9

11 In the Matter of) ORDER
12 ATI INDUSTRIES;) Docket No. 84-20
13 Respondent.)
14 Proceeding Under Section)
15 106(a) of the Comprehensive)
16 Environmental Response,)
17 Compensation and Liability Act)
18 of 1980 (42 U.S.C. §9606(a)))

19 I

20 JURISDICTION

21 The following Order is issued on this date to ATI Industries
22 ("Respondent") pursuant to the authority vested in the President
23 of the United States by §106(a) of the Comprehensive Environmental
24 Response, Compensation, and Liability Act of 1980 (CERCLA), 42
25 U.S.C. §9601 et seq., delegated to the Administrator of the
26 United States Environmental Protection Agency (EPA) by Executive
27 Order Number 12316 (August 20, 1981, 46 FR 42237), and redelegated
28 to the Regional Administrator, EPA, Region 9 (delegation 14-14B,
29 April 16, 1984) and to the Director, Toxics and Waste Management

1 Division, Region 9 (delegation R1290-24, August 14, 1984).
2 Notice of the issuance of this Order has been given to the State
3 of California.

4 II

5 FINDINGS OF FACT

- 6 1. Respondent is the lessee of a property located at 220 N.
7 Tulip Street, Escondido, California. This facility encom-
8 passes approximately 210,000 square feet of a building
9 (20,000 square feet of which was sub-leased by CSI Capacitors)
10 and an uncalculated amount of area outside of the building.
- 11 2. This facility is a facility as defined by CERCLA §101(9), 42
12 U.S.C. §9601(9).
- 13 3. CSI Capacitors specialized in the manufacture of capacitors
14 at the facility. CSI utilized oil containing polychlori-
15 nated biphenyls (PCB's) as the insulating fluid within each
16 capacitor. Use of the PCB was discontinued by the CSI
17 prior to the Federal restriction imposed on May 31, 1979.
18 The facility was used by CSI from 1971 to April, 1984.
- 19 4. On June 22, 1984, the California Department of Health Services
20 (CADOHS) collected samples from the facility. A sample collect-
21 ed inside the building from the floor of that portion of the
22 facility sub-leased by CSI had a PCB concentration of 16,000
23 parts per million (ppm). A sample collected from along the
24 exterior southwest wall had a PCB concentration of 580 ppm.
- 25 5. During the period extending from August 14 to 17, 1984, the
26 San Diego County Department of Health Services (SDCDHS)
27 collected samples in the building. The maximum concentration
28 measured was 3995 micrograms per 100 square centimeters.

- 1 6. On August 17, 1984, William E. Lewis, an On-Scene Coordinator
2 (OSC) with the EPA Emergency Response Section (ERS), was
3 notified of a potential PCB contamination problem at the
4 facility by SDCDHS.
- 5 7. On August 21, 1984, SDCDHS formally requested the assistance
6 of EPA to access and assist in the clean up of the facility.
7 EPA Technical Assistance Team (TAT) was dispatched to the
8 facility to initiate a preliminary assessment. Based on this
9 assessment EPA-ERS determined that a Federal response was
10 required.
- 11 8. On August 22, 1984, OSC Thomas R. Severino of EPA-ERS began a
12 preliminary assessment of the PCB contamination problem at
13 the facility. The following observations were made during
14 the investigation:
- 15 A. The area of the building formerly occupied by Respondent
16 is currently unoccupied.
- 17 B. Although there is significant PCB contamination within
18 the former CSI area, there is no indication of migra-
19 tion to other occupied areas of the building.
- 20 9. Prior to the current EPA response, previous EPA and State
21 inspections had documented PCB contamination in soils and stream
22 sediments on and adjacent to the facility.
- 23 10. PCB is a hazardous substance as defined in §104(14) of CERCLA,
24 42 U.S.C. §9604(14).
- 25 11. A threat to human health and the environment exists in that:
- 26 A. PCB's are toxic compounds, hazardous to human and
27 animal health in extremely low levels. They are
28 poorly metabolized by humans and animals, tending to

1 accumulate in the fatty tissues. PCB's can enter the
2 body through inhalation, ingestion or dermal contact.
3 Long-term PCB exposure can adversely affect the
4 nervous system, liver reproductive system and growth
5 of newborn infants, and;

6 B. Direct human contact could result at this facility
7 if the contaminated areas are once again occupied,
8 and;

9 C. Significant aerial emissions of toxic by-products of
10 combustion (ie., dibenzofurans and dibenzodioxins)
11 could be emitted from the facility should it ignite.
12 This would seriously affect the area surrounding the
13 facility.

14 III

15 DETERMINATION

16 Based upon the foregoing Findings of Fact, the Director,
17 Toxics and Waste Management Division, EPA, Region 9 has determined
18 that hazardous substances are present at the facility and that
19 the release and threat of release of such substances from the
20 facility may present an imminent and substantial endangerment to
21 the public health or welfare or the environment. The initiation
22 of immediate removal action will prevent or mitigate immediate
23 and significant risk of harm to human life or health or the
24 environment.

25 EPA has further determined that Respondent is responsible
26 for conducting the actions ordered herein, which are necessary
27 to abate the endangerment to public health and the environment.

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1 IV

2 ORDER

3 Based upon the foregoing Determination and Findings of
4 Fact, Respondent is hereby ordered and directed, pursuant to
5 §106(a) of CERCLA, 42 U.S.C. §9606(a), to:

6 1. Restrict access to the following areas of the facility
7 within 24 hours of receipt of this order:

- 8 A. The loading dock entrance located at the southwest
9 corner of the building. Use of this entrance is
10 to be used only in an emergency, and a sign
11 indicating such shall be posted on the door at
12 the entrance.
- 13 B. The driveway along the south side of the building
14 , must be restricted by the use of locked gates.
- 15 C. The western parking lot must be restricted, except
16 for an area immediately in front of the Escondido
17 Juice Company and a corridor through the parking
18 lot used as an access road.
- 19 D. The storage area in the building immediately beneath
20 the Respondent's former facility. The lessee of
21 this storage will be provided limited access.
- 22 E. Access to the southern portion of the north-south
23 corridor along the west side of the building shall
24 be restricted. A plastic sheet and duct tape
25 barrier shall be constructed at the location which
26 is equivalent to the westward extension of the
27 concrete supporting wall. This barrier shall be
28 removed only in an emergency and a sign stating

1 this shall be placed on it.

- 2 2. Submit to EPA within one week of receipt of this Order
3 (I) a written proposal ("Proposal") for conducting a
4 comprehensive site sampling and analysis plan and (II)
5 a written confirmation regarding Respondent's intention
6 to perform the tasks in the Proposal. The Proposal
7 shall include the following:

8 A. Proposed sample locations.

9 B. Sample collection protocol and methodologies. All
10 samples shall be collected, packaged, shipped,
11 handled, and prepared for and analyzed according to
12 EPA approved methods. All sample handling shall be
13 performed according to the chain of custody proced-
14 ures described by the EPA OSC or other EPA represen-
15 tative.

16 C. A quality assurance/quality control (QA/QC) plan
17 which will include provisions for collection of
18 duplicate samples, blanks, spikes and for retaining,
19 identifying, maintaining and submitting to EPA upon
20 request, splits of some samples taken pursuant to
21 this Order.

22 D. A site safety plan.

- 23 3. Complete the sampling specified in the Proposal within 7
24 calendar days of EPA approval of the Proposal. As EPA
25 will oversee all on-site activities, Respondent shall
26 give EPA a minimum of 24 hours notice before implementing
27 the Proposal.
28 4. Submit to EPA within 28 calendar days of approval of the

Respondent shall assume full responsibility for any claims arising from the activities conducted by Respondent or their representatives or consultants in connection with this Order. Respondent shall provide access to the site for EPA employees, contractors, or consultants at all reasonable times and shall permit such persons to be present and move freely in the area where any work is being conducted pursuant to this Order.

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Under the provisions of CERCLA, Respondent may request a conference to be held at any time before submittal of the Proposal to discuss the Order, its applicability, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which Respondent is ordered to take, and any other relevant or material issue. Such request may be made orally, but must be confirmed in writing. At any conference

1 held pursuant to Respondent's request, Respondent may appear in
2 person, with counsel or other representatives for the purpose of
3 presenting any objections, defenses or contentions which Respond-
4 ent may have regarding this Order.

5 This Order is effective immediately upon receipt of same by
6 Respondent.

7 VI

8 LIABILITY

9 If the OSC determines that Respondent is not complying with
10 the terms of this Order, or that Respondent is not proceeding
11 with work in a timely manner, or that Respondent's activities
12 pose an imminent and substantial endangerment to the public
13 health or welfare or the environment, the OSC may halt Respondent's
14 activities and initiate a Federal clean up of the facility.
15 Respondent may then be ordered to reimburse EPA for the costs of
16 such activity pursuant to §107(c) of CERCLA, 42 U.S.C. §9607(c).

17 Respondent is advised that willful violation or failure or
18 refusal to comply with this Order, or any portion hereof, may
19 subject Respondent to a civil penalty of not more than \$5,000.00
20 for each day in which violation occurs or such failure to comply
21 continues in accordance with §106(b) of CERCLA, 42 U.S.C. §9606(b).
22 Failure to comply with this Order, or any portion hereof, without
23 sufficient cause, may also subject Respondent to liability for
24 punitive damages in the amount of three times the total of all
25 costs incurred by the government as a result of your failure to
26 take proper action in accordance with §107(c) of CERCLA.

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1 It is so ordered on this 30 day of August, 1984.

2 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

3 BY: *[Signature]*

4 HARRY SERAYDARIAN

5 DIRECTOR, TOXICS & WASTE MANAGEMENT DIVISION

6 Contact persons:

7 Tom Severino (T-3-3)

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17 After hours call the Duty Officer at:

(415) 974-8131